

**WASHINGTON COUNTY COMMISSION
MEETING MINUTES
MAY 20, 2014**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on May 20, 2014, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman James J. Eardley, Commissioner Dennis Drake, Commissioner Alan Gardner, Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine S. Hall.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for May 7, 2014, through May 20, 2014
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement
Denise Jones, S/N SG-RRMHE-2-40; Linda Bundy, S/N SG-VDST-1-3; Mary Lloyd, S/N H-WWT-22
- Consideration of Applications for Settlement or Deferral of Property Taxes:
Pat & Mary Cassedy, S/N KT-1-4-HV; Jeremy Black, S/N SG-RRMHE-2-22;
Donald Dennis, S/N SG-SAPT-6
- Acknowledgment of Receipt of Funding from State of Utah, Department of Natural Resources, for the Habitat Conservation Plan Desert Tortoise Habitat Acquisition for FY 2015 in the amount of \$100,000 / Bob Sandberg
- Acknowledgment of Publication of Adoption of Ordinances 2014-1035-O, 2014-1036-O, and 2014-1037-O on Saturday, May 10, 2014

MOTION: Motion by Commissioner Gardner to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

EMERGENCY SERVICES REPORT: SHERIFF CORY PULSIPHER

Sheriff Cory Pulsipher presented the Search-and-Rescue report since the last Commission meeting:

- 3/29/14, missing group on Kolob Mountain
- 4/2/14, overdue hikers, Snow Canyon State Park
- 4/17/14, overdue party, Sand Hollow Sand Dunes
- 4/20/14, injured hiker, Kolob Canyon
- 4/28/14, injured hiker, Red Cliffs Recreation Area
- 5/3/14, Ironman, 13 individuals pulled from the water at Sand Hollow Reservoir
- 5/4/14, injured person fell from rope above Toquerville Falls
- 5/7/14, airplane crash south of Santa Clara
- 5/11/14, missing suicidal subject, Big Mountain area
- 5/11/14, lost hiker, Three Ponds Trail
- 5/15/14, injured hiker, LaVerkin Hot Springs area
- 5/19/14, missing person, Coal Pits Wash area

Sheriff Pulsipher reiterated that the Sheriff's Office would be hard-pressed to handle all of these emergency situations without the volunteers who routinely respond to these search and rescue call-outs.

CONSIDERATION OF REQUEST BY WASHINGTON COUNTY SHERIFF'S OFFICE TO DISPOSE OF DEPARTMENT FIREARMS

Sheriff Pulsipher said that the Washington County Sheriff's Office has firearms that have been cleared for disposal that it desires to trade to an out-of-state firearms dealer in exchange for supplies of use to the Sheriff's Office. A complete list of these firearms is attached to these minutes.

MOTION: Motion by Commissioner Drake to Approve the Request of the Washington County Sheriff's Office to Dispose of Department Firearms per Attached List. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF PURCHASE REQUESTS: MARK BLANCH

Sheriff's Office, police dog \$10,368.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Purchase Request as presented. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF REQUEST BY SOUTHWEST BEHAVIORAL HEALTH CENTER FOR SCHOLARSHIPS TO THE UNIVERSITY OF UTAH SCHOOL ON ALCOHOLISM & OTHER DRUG DEPENDENCIES / NEAL H. SMITH

Mr. Neal Smith, Director of Resource & Liability Management for the Southwest Behavioral Health Center, presented a request for funding four (4) scholarships to the University of Utah School on Alcoholism and other Drug Dependencies. The cost to the County is one thousand one hundred and sixty dollars (\$1160) which provides scholarships for individuals to attend the school from June 15-20, 2014, and covers lodging and registration.

MOTION: Motion by Commissioner Drake to Approve the Request by the Southwest Behavioral Health Center for Scholarships to the University of Utah School on Alcoholism & Other Drug Dependencies in the amount of \$1,160.00. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

PRESENTATION: WASHINGTON COUNTY WATER CONSERVANCY DISTRICT UPDATE / RON W. THOMPSON

Ron Thompson, General Manager of the Washington County Water Conservancy District, narrated a PowerPoint presentation entitled, "Washington County Water Update," a copy of which may be obtained from the Water Conservancy District.

Mr. Thompson mentioned that the Southwestern Utah Basin contains only twenty-three percent (23%) of average snowpack. Soil moisture, reservoir storage, and stream flows in the area are only at a fraction of what they should be. Upper Colorado water conditions, however, are above average in terms of snowpack, snow water equivalent, and year-to-date precipitation.

A Lake Powell Pipeline Update:

- Seven (7) years into the preliminary design and federally required environmental studies
- Hoping to file the preliminary licensing proposal with FERC in early 2015
- Two (2) years required for NEPA record of decision and permits
- Two (2) years needed to finalize the design after NEPA decision

- Construction scheduled to start in 2020; estimated to take a minimum of four (4) years to build
- Water deliveries expected between 2025 and 2030

CONSIDERATION OF ORDINANCE NO. 2014-1038-O, AN ORDINANCE AMENDING THE COUNTY BURNING PERMIT ORDINANCE, TITLE 4, CHAPTER 4, OF THE WASHINGTON COUNTY CODE

Washington County Attorney's Office intern Stephen Vincent explained that this ordinance amendment applies to the open fire season vs. closed fire season, and which entity (state or county) may issue burn permits.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2014-1038-O, An Ordinance Amending The County Burning Permit Ordinance, Title 4, Chapter 4, Of The Washington County Code. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2014-1039-O, AN ORDINANCE AMENDING THE WASHINGTON COUNTY SUBDIVISION ORDINANCE TO REQUIRE ADDRESS INFORMATION ON PRELIMINARY AND FINAL PLATS

Mr. Vincent said that in the interest of efficiency, the addition of address information on preliminary and final plats will speed up the process, both for builders and for County staff.

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2014-1039-O, an Ordinance Amending the Washington County Subdivision Ordinance to Require Address Information on Preliminary and Final Plats. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1805, A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. BUREAU OF LAND MANAGEMENT, ST. GEORGE FIELD OFFICE, AND WASHINGTON COUNTY REGARDING A PROPOSED EXCHANGE OF REAL PROPERTY IN THE RED CLIFFS DESERT RESERVE FOR OTHER REAL PROPERTY IN THE STATE OF UTAH / TABLED MAY 6 2014)

This Memorandum of Understanding has been worked on extensively by both County and Bureau of Land Management (BLM) personnel and is in its final form.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1805, A Resolution Approving A Memorandum Of Understanding Between The U.S. Bureau Of Land Management, St. George Field Office, And Washington County Regarding A Proposed Exchange Of Real Property In The Red Cliffs Desert Reserve For Other Real Property In The State Of Utah. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1808, A RESOLUTION APPROVING WASHINGTON COUNTY SHERIFF'S OFFICE MEMORANDUM OF AGREEMENT PERMITTING THE UTAH DIVISION OF WILDLIFE RESOURCES TO OPERATE ON THE DISPATCH RADIO FREQUENCY BELONGING TO THE SHERIFF'S OFFICE

Sheriff Pulsipher said that allowing the Utah Division of Wildlife Resources (DWR) to operate on the dispatch radio frequency belonging to the Sheriff's Office will facilitate the DWR's ability to monitor and manage certain remote areas under its jurisdiction.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2014-1808, A Resolution Approving Washington County Sheriff's Office Memorandum Of Agreement Permitting The Utah Division Of Wildlife Resources To Operate On The Dispatch Radio Frequency Belonging To The Sheriff's Office. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1809, A RESOLUTION APPOINTING A MEMBER TO THE JUSTICE COURT NOMINATING COMMISSION

Administrator Dean Cox said that Judge Paul Dame, currently serving as a Washington County Justice Court judge, has recently been nominated to become a juvenile court judge in the Utah Fifth District Court. If the Utah Senate confirms Judge Dame, there will be a judicial vacancy at the Washington County Justice Court. The County Commission is responsible to appoint members to the Justice Court Nominating Commission, and he recommends the appointment of Jerry Lewis and Curtis Jensen.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1809, A Resolution Appointing Jerry Lewis and Curtis Jensen to the Justice Court Nominating Commission. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.

Commissioner Gardner excused himself from the balance of the meeting, as he had a plane to catch for an out-of-state meeting.

CONSIDERATION OF RESOLUTION NO. R-2014-1810, A RESOLUTION APPROVING THE EXECUTION OF AN AFFILIATE LIBRARY AGREEMENT BETWEEN WASHINGTON COUNTY AND FAMILYSEARCH INTERNATIONAL

Washington County Library Director Joel Tucker explained that this contract would allow patrons to review FamilySearch Genealogical records at the St. George branch of the Washington County Library System.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1810, a Resolution Approving the Execution of an Affiliate Library Agreement between Washington County and FamilySearch International. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1811, A RESOLUTION PROPOSING THAT THE PINE VALLEY SPECIAL SERVICE DISTRICT BE AUTHORIZED TO PROVIDE ANIMAL CONTROL SERVICES IN ORDER TO MAINTAIN FENCES

Deputy County Attorney Clarke explained that this resolution is the first step in the process of amending the approved services of the Pine Valley Special Service District to include animal control services in order to maintain fences. The Public Hearing will be held on July 1, 2014, at 7:00 p.m. at the Pine Valley Fire Station and is open to the public.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1811, A Resolution Proposing that the Pine Valley Special Service District be Authorized to Provide Animal Control Services in Order to Maintain Fences. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1812, A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WASHINGTON COUNTY AND MUNICIPALITIES WITHIN THE COUNTY REGARDING HOW TAX PROCEEDS WILL BE DISTRIBUTED IF VOTERS APPROVE A RECREATION, ARTS, AND PARKS TAX BALLOT INITIATIVE

Mr. Clarke said that voters will have the opportunity to vote on a Recreation, Arts, and Parks (RAP) Tax Initiative in November. This Interlocal Cooperation Agreement facilitates the implementation of the RAP tax by the County and Municipalities if it is approved by voters.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1812, A Resolution Approving An Interlocal Cooperation Agreement Between Washington County And Municipalities Within The County Regarding How Tax Proceeds Will Be Distributed If Voters Approve A Recreation, Arts, And Parks Tax Ballot Initiative. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1813, A RESOLUTION RATIFYING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE U. S. BUREAU OF LAND MANAGEMENT, ARIZONA STRIP DISTRICT OFFICE, AND WASHINGTON COUNTY ESTABLISHING WASHINGTON COUNTY AS A COOPERATING AGENCY FOR THE UNIKARET MOUNTAINS LANDSCAPE RESTORATION PROJECT ENVIRONMENTAL IMPACT STATEMENT

As with other issues that concern Washington County and its relationship with the Bureau of Land Management, this resolution establishes Cooperating-Agency status for the County in discussions of the Unikaret Mountains Landscape Restoration Project.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1813, A Resolution Ratifying The Execution Of A Memorandum Of Understanding Between The U. S. Bureau Of Land Management, Arizona Strip District Office, And Washington County Establishing Washington County As A Cooperating Agency For The Unikaret Mountains Landscape Restoration Project Environmental Impact Statement. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1814, A RESOLUTION APPOINTING A MEMBER TO THE WASHINGTON COUNTY LIBRARY BOARD

Mr. Tucker said that Travis Marker, a former member of the Library Board, has relocated, creating a vacancy on the Washington County Library Board. He reviewed applications and conducted interviews and recommended the appointment of Michele Mitchell to this position.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1814, A Resolution Appointing Michele Mitchell To The Washington County Library Board. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2014-1815, A RESOLUTION APPOINTING COUNTY REPRESENTATIVES TO THE TAXING ENTITY COMMITTEE FOR THE ST. GEORGE I-15 ECONOMIC DEVELOPMENT PROJECT AREA AND FOR ALL OTHER URBAN RENEWAL AND ECONOMIC DEVELOPMENT PROJECT AREAS PROPOSED TO BE ADOPTED IN THE CITY OF ST. GEORGE UNTIL THE APPOINTMENT IS RESCINDED OR TERMINATED

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2014-1815, A Resolution Appointing Alan D. Gardner and Dean J. Cox as County Representatives To The Taxing Entity Committee For The St. George I-15 Economic Development Project Area And For All Other Urban Renewal And Economic Development Project Areas Proposed To Be Adopted In The City Of St. George Until The Appointment Is Rescinded Or Terminated. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Eardley and Drake voting aye.

COMMISSIONERS' REPORT

No items were presented today.

PUBLIC WORKS OR ROAD BUSINESS

Washington County Public Works Director took this opportunity to read a Proclamation announcing May 19-23 as National Public Works Week. He commended three individual employees, Sue Heflebower, Susan Merkel, and Doreen Bowers-Irons, as being great examples of hard-working and dedicated County employees in the Public Works Department.

COUNTY DEVELOPMENT AND PLANNING BUSINESS / SCOTT MESSEL

Review of Items from the Planning Commission Meeting of May 13, 2014:

Conditional Use: Review of existing gravel crushing operation located in the old cinder pit on Chad Ranch Road in Veyo, located within Section 32, T39S,T16W, SLBM, Zoned A-10; Sunroc Corporation, applicant.

Conditional Use: Review of accessory dwelling above garage, located on parcel OFMS-2-5-DFV, which is 856 North Old Farms Road in Dammeron Valley, zoned RE-40; David Persson, applicant.

Public Hearing/Amended Plat: Review of Topaz Estates Amended Plat adjusting the lot line between Lot 7 and Lot 8, located in Diamond Valley and containing approximately 10 acres; Eric Wilson, applicant.

Public Hearing/Zone Change Request: Request to rezone Parcel 7236-A-7-SW from OST 20 to RE-40, parcel is 13.36 acres of land located in Diamond Valley Acres Phase 2 on Gates Lane in Diamond Valley; Monty Bundy/Kelly Gates, applicants.

Public Hearing/Ordinance Amendment: Consideration of amendment to Washington County zoning ordinances Title 10 concerning Recreational Vehicles and Title 11, Subdivision regulations concerning plat requirements.

Mr. Messel said that the above items were all approved by the Planning Commission with the exception of the last item, which was tabled.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:54 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

JAMES J. EARDLEY
CHAIRMAN